

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO ADD A POLICY TO DESIGNATE THE LAKE WORTH PARK OF COMMERCE URBAN REDEVELOPMENT AREA AS A TRANSPORTATION CONCURRENCY EXCEPTION AREA (TCEA) AND TO MODIFY THE 10<sup>TH</sup> AVENUE NORTH CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS)); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's

written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, on December 18, 2002 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

## Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Transportation Element, to add a policy to designate the Lake Worth Park of Commerce (LWPC) Urban Redevelopment Area as a Transportation Concurrency Exception Area (TCEA); and to modify the 10<sup>th</sup> Avenue North Constrained Roadway at a Lower Level of Service (CRALLS).

B. Amending all elements as necessary for internal consistency.

## Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

### Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

#### Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

82 word "ordinance" may be changed to "section," "article," or any other  
83 appropriate word.

84 **Part V. Effective Date**

85 The effective date of this plan amendment shall be the date a  
86 final order is issued by the Department of Community Affairs or  
87 Administration Commission finding the amendment in compliance in  
88 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
89 applicable. No development orders, development permits, or land uses  
90 dependent on this amendment may be issued or commence before it has  
91 become effective. If a final order of noncompliance is issued by the  
92 Administration Commission, this amendment may nevertheless be made  
93 effective by adoption of a resolution affirming its effective status,  
94 a copy of which resolution shall be sent to the Florida Department of  
95 Community Affairs, Division of Community Planning, Plan Processing  
96 Team. An adopted amendment whose effective date is delayed by law  
97 shall be considered part of the adopted plan until determined to be  
98 not in compliance by final order of the Administration Commission.  
99 Then, it shall no longer be part of the adopted plan unless the local  
100 government adopts a resolution affirming its effectiveness in the  
101 manner provided by law.

102 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
103 Palm Beach County, on the 18 day of December, 2002.

104 ATTEST:  
105 *Dorothy H. Wilken*  
106 PALM BEACH COUNTY, FLORIDA, CLERK  
107 BY ITS BOARD OF COUNTY COMMISSIONERS

108 *John Haver*  
109 Deputy Clerk  
110 APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
111 *John Haver*  
112 COUNTY ATTORNEY

113 By *Addie Greene*  
114 FOR Karen T. Marcus, Chair  
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116  
117 Filed with the Department of State on the 24 day  
118 of December, 2002.  
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## EXHIBIT 1

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**A. Transportation Element, Lake Worth Park of Commerce (LWPC) Transportation Concurrency Exception Area (TCEA)**

**REVISIONS:** To add Policy 1.2-s designating Lake Worth Park of Commerce (LWPC) as a TCEA and to modify Policy 1.2-f regarding 10<sup>th</sup> Avenue N. CRALLS. The added text is shown in underlined.

1. **NEW Policy 1.2-s:** The Lake Worth Park of Commerce (LWPOC) Transportation Concurrency Exception Area (TCEA) is hereby established and designated. Contiguous with the boundaries of the LWPOC, the TCEA is bounded by Tenth Avenue North on the north, I-95 on the east, Lake Worth Road on the south and the Keller Canal (E-4) on the west. The TCEA will be limited to 55,147 square feet of new commercial retail use and 895,373 square foot of new industrial use. Any project utilizing this TCEA and significantly impacting Interstate 95 shall be required to address its impacts pursuant to the ULDC. The TCEA may be revisited if the City of Lake Worth fails to provide the County an annual report by March 31 of each year starting in year 2004, showing that the development approvals utilizing this TCEA have not exceeded the limits set by this Policy.
2. **REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. *(Unchanged text omitted for brevity)*
  - 7) Tenth Avenue North, from I-95 to Congress Avenue is hereby designated a Constrained Roadway at Lower Level of Service (CRALLS) facility. The facility's level of service standard volumes shall be 46,400 trips on an Average Daily Traffic (ADT) basis, and 4,600 on a peak hour basis (2-way), 2,200 on a peak hour peak direction basis and an intersection critical movement volume of 1,500. For Test Two, the level of service standard volume shall be 46,000 on an Average Daily Traffic (ADT) basis. This CRALLS is exclusively for the purposes of concurrency for those projects located outside the Lake Worth Park of Commerce – TCEA.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on December 18, 2003.  
DATED at West Palm Beach, FL on 1/23/03.  
DOROTHY H. WILKEN, Clerk  
By: Deane Brown D.C.